

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

MICHAEL B. WOOLMAN,)
)
Plaintiff,) 4:15CV3093
)
v.)
)
IGA,) MEMORANDUM OPINION
)
Defendant.)
)

Michael Woolman filed this action on August 7, 2015. He seeks leave to proceed in forma pauperis (Filing No. [2](#)). Accordingly, the Court will conduct an initial review of Woolman's complaint to determine whether summary dismissal is appropriate under [28 U.S.C. § 1915\(e\) \(2\)](#).

I. APPLICABLE LEGAL STANDARDS ON INITIAL REVIEW

The Court is required to review in forma pauperis complaints to determine whether summary dismissal is appropriate. See [28 U.S.C. § 1915\(e\)](#). The Court must dismiss a complaint or any portion of it that states a frivolous or malicious claim, that fails to state a claim upon which relief may be granted, or that seeks monetary relief from a defendant who is immune from such relief. [28 U.S.C. § 1915\(e\) \(2\) \(B\)](#).

Federal district courts are courts of limited jurisdiction. Federal district courts have original jurisdiction of civil actions where complete diversity of citizenship and an

amount in excess of \$75,000 (exclusive of interest and costs) in controversy exist. 28 U.S.C. § 1332. Federal district courts also "have original jurisdiction of all civil actions arising under the Constitution, laws, or treaties of the United States." 28 U.S.C. § 1331.

II. DISCUSSION

Woolman's complaint is labeled "PETITION AND AFFIDAVIT TO OBTAIN HARASSMENT PROTECTION ORDER." (Filing No. 1 at CM/ECF p. 1.) Woolman seeks a protection order against the defendant, a private company, in accordance with Neb. Rev. Stat. § 28-311.09, which permits victims of harassment to obtain protection orders under Nebraska state law. Such petitions must be filed in Nebraska's state courts. See Neb. Rev. Stat. §§ 25-2740 and 28-311.09. Thus, Woolman's complaint will be dismissed for failure to state a claim on which relief may be granted. However, the complaint will be dismissed without prejudice to Woolman seeking a protection order as authorized by Nebraska law in Nebraska's

state courts. A separate order will be entered in accordance with this memorandum opinion.

DATED this 11th day of August, 2015.

BY THE COURT:

/s/ Lyle E. Strom

LYLE E. STROM, Senior Judge
United States District Court

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